

Application No. : 10/635,749  
Filed : August 5, 2003

REMARKS

Claims 1-3 were pending in the application. By this paper, Applicant has amended Claims 1 – 3, and added new Claims 4 – 44. Accordingly, Claims 1 – 44 are presented for examination herein.

*Power of Attorney*

Applicant includes herewith a duly executed Power of Attorney compliant with 37 CFR §1.32 authorizing the undersigned to prosecute the present application.

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*§112 Rejections*

Claims 1 – 3 – Per page 2 of the Office Action, Claims 1 – 3 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has herein 15 amended the claims to modify instances of “senior border” to now read “senior border node”. Applicant submits that the aforementioned amendments overcome the Examiner’s rejection.

*Amendments*

Applicant has also made several editorial amendments to the claims in order to improve 20 their form and clarity. No new matter has been added.

*Double Patenting Rejections*

Claims 1 – 3 – Per page 2 of the Office Action, Claims 1 – 3 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting over co-pending Claims 1 – 2 25 of U.S. Application Serial No. 10/635,836, and also Claim 1 of U.S. Application Serial No. 10/635,593. Applicant submits herewith a properly executed terminal disclaimer with respect the above-referenced application(s). Accordingly, Applicant submits that the Examiner’s double-patenting rejections have been overcome, and Claims 1-3 are in condition for allowance.

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*New Claims*

Claims 4 – 44 – By this paper, Applicant has added new Claims 4 – 44, relating generally to the subject matter of existing Claims 1-3. Support for these new Claims can be found at, *inter alia*, paragraph [0080] through paragraph [0086] of Applicant's specification as filed, as well as originally filed Claims 1 – 3. Applicant submits that the aforementioned new Claims 4 – 44 therefore add no new matter, and also that these Claims are both novel and non-obvious over the prior art.

5 Applicant further notes that with respect to new Claims 40-44, these correlate generally to Claim 1 of co-pending U.S. patent application Serial No. 10/635,593 filed August 5, 2003 and 10 entitled “Method And Apparatus For Border Node Behavior On A Full-Duplex Bus” (‘593 application). Per the March 23, 2006 Office Action in that application (see Pars. 6-8 thereof), the Examiner asserts that Claim 1 of that ‘593 application is an obvious variant of Claim 1 of the present (‘749) application. Without in any way admitting or agreeing with the Examiner’s assertion of obviousness, Applicant has herein included Claim 1 of the ‘593 application as new 15 Claim 40. New Claims 41-44 also generally relate to the subject matter of new Claim 40.

Hence, Applicant submits that Claims 40-44 are properly examined with the present (‘749) application, and each define novel and non-obvious subject matter.

*Other Remarks*

20 Applicant hereby specifically reserves all rights of appeal (including those under the Pre-Appeal Pilot Program), as well as the right to prosecute claims of different scope in another continuation or divisional application.

25 Applicant notes that any claim cancellations or additions made herein are made solely for the purposes of more clearly and particularly describing and claiming the invention, and not for purposes of overcoming art or for patentability. The Examiner should infer no (i) adoption of a position with respect to patentability, (ii) change in the Applicant’s position with respect to any claim or subject matter of the invention, or (iii) acquiescence in any way to any position taken by the Examiner, based on such cancellations or additions.

30 Furthermore, any remarks made with respect to a given claim or claims are limited solely to such claim or claims.

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If the Examiner has any questions or comments which may be resolved over the telephone, he is requested to call the undersigned at (858) 675-1670.

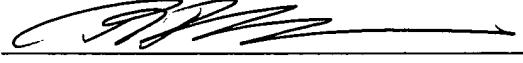
Respectfully submitted,

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GAZDZINSKI & ASSOCIATES

Dated: September 25, 2006

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